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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,002	01/05/2001	Keith G. Kaan	09428/184001	4662

22511 7590 05/16/2006

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EXAMINER	
SHINGLES, KRISTIE D	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/755,002	KAAN ET AL.	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27 and 29-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27 and 29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim 28 is cancelled. Claims 30-32 are new.

Claims 1-27 and 29-32 are pending.

Response to Arguments

1. Applicant's arguments filed 2/14/2006 have been fully considered but they are not persuasive.

A. Regarding claims 1, 12 and 21, Applicant argues in substance that the cited prior art of record, *Masilamany* (US 6,778,523), teaches that the service controller is connected to or communicates with only the routers in the system; which differentiates it from Applicant's invention wherein the host includes dual functionality to communicate with a data acquisition device and to program a router.

A.1. Examiner respectfully disagrees. *Masilamany* teaches that the service controller is in communication with client users of a network when the service controller determines the router involved in a service in response to a request from a user, application or other service controller (col.5 lines 14-15). Furthermore it is obvious that the service controller is in communication with a data acquisition device, because the service controller retains the configuration services agreed on between the users/subscribers of the source networks and the network providers (col.2 lines 36-47, col.3 lines 1-4). Communication with users or other service controllers achieves the functionality of communicating with a data acquisition device. The rejection of claims 1, 12 and 21 under *Masilamany* in view of *Reichmeyer et al* is therefore maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-10, 12-19 and 21-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Masilamany* (US 6,778,523) in view of *Reichmeyer et al* (US 6,286,038).

a. **Per claim 1,** *Masilamany* teaches a system for managing communication on a network having a reconfigurable router device to accommodate variations in parameters for changing from one network interface device to another for the router's network connection, the system comprising:

- a first network for connecting to a data acquisition device (Figure 1, col.2 lines 36-47);
- a router connected to the first network, wherein the router is for connecting to a second network having a number of second network hosts (Figure 1, col.2 lines 36-47);
- a template file comprising an operating system command associated with the router, wherein the operating system command comprises a variable (col.2 lines 18-24 and 62-64, col.5 lines 23-34, col.6 lines 5-19; command template includes commands for configuring the router, including operating system commands related to the router); and
- a manager program to assemble first configuring instructions from the template file for configuring the router, wherein network communication is established among the first network host, the router and the second network hosts responsive to the configuring of the router, and the configuring does not disrupt communication on the first network between the first network host and the data acquisition device (col.2 lines 3-20 and 45-47, col.3 lines 1-3, Table 1, col.3 line

55-col.4 line 18, col.5 lines 14-19, col.7 lines 37-44; client devices of the respective networks along with a service controller assemble first configuring instructions via service request),

- wherein the manager program interprets the variable during assembly of the first configuring instructions (col.3 lines 61-67, col.5 lines 14-53, col.5 line 66-col.6 line 4).

Although *Masilamany* teaches clients, subscribers and network providers of the networks, *Masilamany* fails to explicitly a first network host connected to the first network and a manager program for executing by a processor of the first network host to assemble first configuring instructions. However, *Reichmeyer et al* teach a first host connected to the first network, wherein the central configuration server resides on a host and constructs the configuration information (col.4 lines 37-43, col.5 lines 10-15, col.6 lines 2-5 and 35-42, col.8 line 63-col.9 line 14, col.10 line 16-col.11 line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Masilamany* and *Reichmeyer et al* for the purpose of provisioning a manager program on a host device of the network, wherein configuration instructions for configuring the router are assembled there; because it allows for remote configuration, wherein a host on the same network is capable of assembling and managing the communication of the configuration instructions.

b. **Claims 12 and 21** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2,** *Masilamany* and *Reichmeyer et al* teach the system of claim 1, *Reichmeyer et al* further teach wherein the first network host has a predetermined configuration,

including parameters defining, a certain identity, and the configuring includes setting, parameters in the router that assign the certain identity to the router, so that the network communication between the first network host and the router is established by the first network host recognizing the router identity (col.2 lines 45-64, col.3 line 2-col.4 line 50 and col.5 line 11-col.6 line 61).

d. **Claim 13** is substantially similar to claim 2 and is therefore rejected under the same basis.

e. **Per claim 22**, *Masilamany* and *Reichmeyer et al* teach the computer program product of claim 21, *Reichmeyer et al* further teach wherein the first network host has a predetermined configuration, including parameters defining, a certain identity, and the configuring includes setting, parameters in the router that assign the certain identity to the router, so that the network communication between the first network host and the router is established by the first network host recognizing the router identity (col.2 lines 45-64, col.3 line 2-col.4 line 50 and col.5 line 11-col.6 line 61).

f. **Per claim 3**, *Masilamany* and *Reichmeyer et al* teach the system of claim 2, *Reichmeyer et al* further teach wherein the configuring, includes setting parameters in the router for a network connection between the router and the second network, so that the network communication between the second network hosts and the router is established by the second network hosts recognizing the router identity via the network connection (col.2 line 45-col.3 line 29, col.4 lines 4-50 and col.6 line 43-col.9 line 67; configuration process includes parameter-setting in the router).

g. **Claims 14 and 23** are substantially similar to claim 3 and are therefore rejected under the same basis.

h. **Per claim 4**, *Masilamany* and *Reichmeyer et al* teach the system of claim 1, *Reichmeyer et al* further teach wherein the router comprises a processor, and wherein execution of the configuring instructions by the router processor automatically performs the router configuring (col.3 line 55-col.4 line 43, col.10 lines 26-53 and col.11 lines 15-63; router comprises a process for provisioning automatic configuration).

i. **Per claim 5**, *Masilamany* and *Reichmeyer et al* teach the system of claim 4, *Reichmeyer et al* further teach wherein the system comprises second configuring instructions for executing by the router processor upon booting (col.2 line 50-col.3 line 29 and col.5 line 60-col.6 line 23; configuring instruction executed by router upon booting/powering on).

j. **Claims 15 and 24** are substantially similar to claim 5 and are therefore rejected under the same basis.

k. **Per claim 6**, *Masilamany* and *Reichmeyer et al* teach the teach system of claim 5, *Reichmeyer et al* further teach wherein the router comprises a storage unit and the second configuring instructions include instructions stored in a configuration file on the router storage unit (col.3 line 24-29, col.6 lines 17-23 and col.11 lines 29-55).

l. **Claim 16** is substantially similar to claim 6 and is therefore rejected under the same basis.

m. **Per claim 7,** *Masilamany* and *Reichmeyer et al* teach the system of claim 5, *Reichmeyer et al* further teach wherein the router comprises a reader for reading a portable storage device, and the second configuring instructions include instructions stored on an external storage device readable by the router's reader (col.3 lines 20-54, col.6 lines 17-23, col.10 lines 39-53 and col.11 lines 38-63).

n. **Claim 17** is substantially similar to claim 7 and is therefore rejected under the same basis.

o. **Per claim 8,** *Masilamany* and *Reichmeyer et al* teach the system of claim 4, *Reichmeyer et al* further teach wherein the first configuring instructions include instructions for sending to the router from the first host via the first network for router processor executing (col.5 line 11-col.6 line 23 and col.11 lines 15-63).

p. **Per claim 9,** *Masilamany* and *Reichmeyer et al* teach the system of claim 8, *Reichmeyer et al* further teach wherein the first configuring instructions include parameters for performing a network login to initialize the network communication on the first network between the router and the first network host (col.3 lines 7-29 and col.6 line 43-col.7 line 65).

q. **Claims 18 and 25** are substantially similar to claim 9 and are therefore rejected under the same basis.

r. **Per claim 10,** *Masilamany* and *Reichmeyer et al* teach the system of claim 8, *Masilamany* further teaches wherein the configuring instructions include configuring the router to substitute a network address of the router in place of a network address of the first network host for communicating from the first network host to one of the second network hosts (col.5 lines 23-34, col.7 lines 30-44).

s. **Claims 19 and 26** are substantially similar to claim 10 and are therefore rejected under the same basis.

4. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Masilamany* (US 6,778,523) in view of *Reichmeyer et al* (US 6,286,038) and further in view of *Guy et al* (US 6,298,057).

Per claim 29, *Masilamany* and *Reichmeyer et al* teach the method of 21 as applied above, yet fail to distinctly teach the computer program product of claim 21, wherein the communications module instructions are also for receiving error messages and notice of router events from the router, and the computer program product further comprises: state and status module instructions for capturing the error messages and router events. However, *Guy et al* disclose forward error correction wherein error and status messages of the router are comprised (col.8 line 41-col.9 line 10 and col.13 line 49-col.15 line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Masilamany* and *Reichmeyer et al* with *Guy et al* for the purpose of permitting the communication of error and status messages from the router; because it would provide information regarding the state and functionality of the router which is vital to the operability of the system.

5. **Claims 11, 20 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Masilamany* (US 6,778,523) in view of *Reichmeyer et al* (US 6,286,038) and further in view of *Isfeld et al* (US 5,802,278).

a. **Per claim 11**, *Masilamany* and *Reichmeyer et al* teach the system of claim 8 as applied above, yet fail to distinctly teach the system of claim 8, wherein the configuring includes configuring the router to not send addresses of nodes in the first network to other routers.

However, *Isfeld et al* teach a bridge server having states "BLOCKING" or "DISABLED" which can inhibit or prohibit the transmission of addresses (col.51 lines 33-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Masilamany* and *Reichmeyer et al* with *Isfeld et al* for the purpose of permitting particular formatting configurations for the router; because it would provide extendibility for configuring the router in various modes based on the administrator options and/or preferences.

b. **Claims 20 and 27** are substantially similar to claim 11 and are therefore rejected under the same basis.

6. **Claims 30-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Masilamany* (US 6,778,523) in view of *Reichmeyer et al* (US 6,286,038) and further in view of *Applicant Admitted Prior Art* (hereafter referred to as—*AAPA*).

a. **Per claim 30,** *Masilamany* and *Reichmeyer et al* teach the method of claim 1 as applied above, yet fail to explicitly teach wherein the data acquisition device comprises a down-hole transmitter. However, *AAPA* discloses a down-hole transmitter as a data acquisition device in communication with a host on a LAN (page 1 paragraph 0008). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Masilamany* and *Reichmeyer et al* with *AAPA* in order to incorporate the data acquisition abilities of a down-hole transmitter into the system because of the its data acquisition and transmission capabilities allowing it to obtain and transmit well-drilling/well-logging data.

b. **Claims 31 and 32** contain limitations that are substantially similar to claim 30 and are therefore rejected under the same basis.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Golla et al* (US 6,587,874), *Kankar et al* (US 6,751,191), *Slaby et al* (US 6,938,089), *Crooks* (US 6,859,452), *Cain et al* (US 6,757,289), *Farrell et al* (US 6,751,663).

8. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
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JASON CARDONE
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